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13. ABSTRACT (Maximum 200 Words) This Directive reissues DoD Directive 1320.10, dated September 18, 1981, to update policy and responsibilities for the discharge of Regular commissioned officers who are determined to be not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) under Section 630 of Title 10, United States Code. This Directive also updates policy and responsibilities for the discharge of Reserve officers who have been found not qualified for promotion to first lieutenant or lieutenant (junior grade) under Section 14503 of Title 10, United States Code.			
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Department of Defense DIRECTIVE

July 9, 1996
NUMBER 1320.10

USD(P&R)

SUBJECT: Discharge of Commissioned Officers Not Qualified for Promotion to First Lieutenant or Lieutenant (Junior Grade)

References: (a) DoD Directive 1320.10, "Discharge of Regular Commissioned Officers Unqualified for Promotion to First Lieutenant or Lieutenant (Junior Grade)," September 18, 1981 (hereby canceled)
(b) Title 10, United States Code
(c) DoD Instruction 1332.29, "Eligibility of Regular and Reserve Personnel for Separation Pay," June 20, 1991

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for the discharge of:

1. Regular commissioned officers who are determined to be not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) under Section 630 of reference (b).
2. Reserve officers who have been found not qualified for promotion to first lieutenant or lieutenant (junior grade) under Section 14503 of reference (b).

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Defense Agencies.

C. DEFINITIONS

1. Active Duty List. A single list for the Army, the Navy, the Air Force, or the Marine Corps that is required to be maintained under Section 620 of reference (b) and that contains the names of all officers of that Military Service other than officers described in Section 641 of reference (b) who are serving on active duty.
2. Reserve Active Status List. A single list for the Army, the Navy, the Air Force, or the Marine Corps, required to be maintained under Section 14002 of 10 U.S.C. (reference (b)), which contains the names of all officers of that Armed Force, except warrant officers (including commissioned warrant officers) who are in an active status in a Reserve component of the Army, the Navy, the Air Force, or the Marine Corps and are not on an Active Duty List.

D. POLICY

1. General. It is DoD policy to discharge officers who are not qualified to be promoted to the grade of first lieutenant or lieutenant (junior grade). The continued military service of those officers is inconsistent with the mission requirements of the Military Services and the productivity and efficiency of the officer force. However, it is recognized that such officers are new to military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken.

2. Minimum Retention Period. Under regulations prescribed by the Secretary of the Military Department concerned, an officer who is found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) shall be retained on active duty if on the Active Duty List, or in an active status if on the Reserve Active Status List for a minimum of 6 months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline. If the officer is found qualified for promotion during, or at the completion of, the retention period, he or she shall be promoted, in accordance with directives prescribed by the Secretary of the Military Department concerned. If the officer is found not qualified for promotion at any time after the completion of 6 months of the retention period, he or she may be discharged under regulations prescribed by the Secretary of the Military Department concerned.

3. Further Retention of Disqualified Officers. An officer who is found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) at the end of the 6-month period described in subsection D.2., above, may be retained on active duty or in an active status by the Secretary of the Military Department concerned. However, such officer shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion, unless that officer has been promoted.

4. Separation Pay. An officer on the Active Duty List who is found not qualified for promotion to first lieutenant or lieutenant (junior grade), and who is subsequently discharged from active duty, may be eligible for separation pay under DoD Instruction 1332.29 (reference (c)).

E. RESPONSIBILITIES

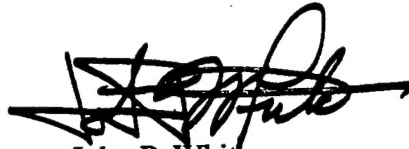
1. The Under Secretary of Defense for Personnel and Readiness shall exercise cognizance and oversight of policies involving discharge of commissioned officers found not qualified for promotion to first lieutenant or lieutenant (junior grade).

2. The Secretaries of the Military Departments shall:

- a. Prescribe regulations consistent with the policy in section D., above.
- b. Address any recommendations for policy changes to the Under Secretary of Defense for Personnel and Readiness.

F. EFFECTIVE DATE

This Directive is effective immediately for officers on the Active Duty List, and on October 1, 1996, for officers on the Reserve Active Status List.

A handwritten signature in black ink, appearing to read 'John P. White', with a large, stylized flourish extending to the right.

John P. White
Deputy Secretary of Defense